ERIC Document Resume	See Instruction Sheet	DATE OF RESUME	DATE RECEIVED

A. PUBLICATION DATA

1. ERIC NUMBER	2. ORIGINATOR CONTROL NO(S).	3. IDENTIFICATION NO.	DO NOT WRITE IN SPACE BELOW
ED002045	NA	NA	

4. AUTHOR(S):
Commission on Equal Opportunities in Education

5. TITLE OF DOCUMENT ABSTRACTED:
California Laws and Policies Relating to Equal Opportunities in Education

6. PUBLICATION TITLE:
NA

MICROFILM COPY AVAILABLE YES ☒ NO ☐

COPYRIGHT GRANTED YES ☐ NO ☒

COPYRIGHT RELEASE FILED YES ☐ NO ☐

TYPE OF REPORT
PROPOSAL ☐
IN-PROGRESS ☐
FINAL ☒
FOLLOW-UP ☐

OTHER ERIC REFERENCES:

7. EDITOR(S):
NA

9. PUBLISHER OR SOURCE
California State Department of Education

8. PLACE OF ORIGIN
Commission on Equal Opportunities, Bureau of Intergroup Relations, California State Dept. of Education

CITY, STATE

10. VOL.	11. PAGES	12. MO./YR.	13. TOTAL PP.	TELE. INST/LOC CODE	EXT.	ERIC SATELLITE CODE
NA	NA	Jun/62	23			

B. INDEXING DATA

14. SUBJECT AREA	15. TYPE OF ENDEAVOR
	report

16. INDEXING TERMS (8-12)					
school sites	integrated schools	fraternity recognition	pupil assignment		
scholarships	school attendance	student organization			
school facilities	employment practices	state financial aid			
	athletic activities	school boundaries			

17. ABSTRACT (MAX. 250 WORDS)

California, by law and custom, has historically operated on the democratic principle of equality of education opportunity. However, primarily because of residential segregation, de facto segregation does exist and has been challenged with the legal authority and moral leadership of the State.

The California Education Code provides for the establishment, when necessary, of a commission to assist local school districts in problems of discrimination. The Education code also declares that employment of teachers by school districts shall be on the basis of qualifications; no questions relating to political or religious opinions or race, color, or marital status shall be asked of candidates for employment. Other sections of the Education Code prohibit discriminatory practices in the areas of student scholarships, textbooks and other instructional materials, athletic events, membership in student organizations, and student housing.

Under the California Administrative Code, it is the policy of the State Board of Education that agencies responsible for assignment of pupils or establishment of school centers shall exert every effort to eliminate segregation. This Code also includes policy of nondiscrimination in the establishment of school attendance areas and practices, in the approving of school sites, and in the formation of unified school districts.

ERIC No.	18. SOURCE OF ABSTRACT		
	C. FUNDING DATA		
	19. SUPPORTING ORGANIZATION	20. DIVISION OR DEPT.	21. CONTRACT NO. / PROJECT NO.
		22. TOTAL COST OF PROJECT	
		23. DURATION OF PROJECT	U.S. Department of Health, Education, and Welfare Office of Education

A (~)

7th: Calif St Bd of Ed

CALIFORNIA LAWS AND POLICIES relating to EQUAL OPPORTUNITIES IN EDUCATION

1964?

REPRINTED BY PERMISSION
U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
OFFICE OF EDUCATION

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COMMISSION ON EQUAL OPPORTUNITIES IN EDUCATION
BUREAU OF INTERGROUP RELATIONS • CALIFORNIA STATE DEPARTMENT OF EDUCATION
MAX RAFFERTY • SUPERINTENDENT OF PUBLIC INSTRUCTION

Bennett O. Stalvey

California State Board of Education

DECLARATION OF POLICY

with reference to

DE FACTO RACIAL SEGREGATION IN PUBLIC SCHOOLS

(Adopted June 14, 1962)

In its historic decision of May 17, 1954, the Supreme Court of the United States declared that segregation of school children on account of race or color, even where physical facilities and other tangible factors are equal, inevitably results in unlawful discrimination. In California, by law and custom, we have historically operated on the democratic principle of equality of educational opportunity for all children, without regard to race or color, and for this reason it was easy for us to accept the underlying hypothesis of that decision and applaud its rendition. We now find, however, that primarily because of patterns of residential segregation, some of our schools are becoming racially segregated in fact, and that this challenge to equality of educational opportunity must be met with the full thrust of our legal authority and moral leadership.

We fully realize that there are many social and economic forces at play which tend to facilitate de facto racial segregation, over which we have no control, but in all areas under our control or subject to our influence, the policy of elimination of existing segregation and curbing any tendency toward its growth must be given serious and thoughtful consideration by all persons involved at all levels. Wherever and whenever feasible, preference shall be given to those programs which will tend toward conformity with the views here expressed.

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COMMISSION ON EQUAL OPPORTUNITIES IN EDUCATION

California Education Code

Section 363. The State Board of Education may, upon recommendation of the Director of Education, establish in the Department of Education a commission to assist and advise local school districts in problems relating to racial, religious or other discrimination in connection with the employment of certificated employees. The commission shall also, upon request from a district, advise and assist school districts in problems involving the ethnic distribution of pupils and school attendance areas.

(Amended by Stats. 1963, Ch. 1799. Effective July 19, 1963.)

NOTE: Pursuant to Section 363 above, the State Board of Education has established the Commission on Equal Opportunities in Education and has appointed 15 members who serve for four-year terms. The Chief of the Bureau of Intergroup Relations of the Department of Education serves as Executive Secretary of the Commission.

SCHOOL ATTENDANCE AREAS AND PRACTICES

Title V, California Administrative Code

Section 2010. State Board Policy. It is the declared policy of the State Board of Education that persons or agencies responsible for the establishment of school attendance centers or the assignment of pupils thereto shall exert all effort to avoid and eliminate segregation of children on account of race or color.

Section 2011. Establishment of School Attendance Areas and School Attendance Practices in School Districts. For the purpose of avoiding, insofar as practicable, the establishment of attendance areas and attendance practices which in practical effect discriminate upon an ethnic basis against pupils or their families or which in practical effect tend to establish or maintain segregation on an ethnic basis, the governing board of a school district in establishing attendance areas and attendance practices in the district shall include among the factors considered the following:

(a) The ethnic composition of the residents in the immediate area of the school.

(b) The ethnic composition of the residents in the territory peripheral to the immediate area of the school.

(c) The effect on the ethnic compostion of the student body of the school based upon alternate plans for establishing the attendance area or attendance practice.

(d) The effect on the ethnic compoeition of the student body of adjacent schools based upon alternate plans for establishing an attendance area or an attendance practice.

(e) The effect on the ethnic composition of the student body of the school and of adjacent schools of the use of transportation presently necessary and provided either by a parent or the district.

NOTE: In 1963 the California Supreme Court recognized that this policy is a legal obligation upon all school boards charged with fixing the boundaries of school districts (Jackson v. Pasadena School District, 59 Cal. 2nd 876). In an opinion on the subject (42 Ops. Cal. Atty. Gen. 33), the California Attorney General concluded: "The governing board of a school district may consider race as a factor in adopting a school attendance plan, if the purpose of considering the racial factor is to effect desegregation in the schools, and the plan is reasonably related to the accomplishment of that purpose."

SCHOOL SITES

Title V, California Administrative Code

Section 2001. Standards. The Department of Education shall give special attention to the factors listed below when approving school sites:

... C. Ethnic Composition of the Area.

(1) Present ethnic composition of the area.

(2) Probable future ethnic composition of the area.

(3) Degree of concentration or dispersion of residents of different ethnic groups.

(4) Proximity to the proposed site of residents of various ethnic groups.

(5) Effect on ethnic composition of existing schools adjacent to the proposed site.

NOTE: In October 1963, a Superior Court in Sacramento directed the city schools to evolve a plan to eliminate racial imbalance among junior high school students rather than continue to use a site which resulted in such imbalance (Keller v. Sacramento City Unified School District).

SCHOOL DISTRICT ORGANIZATION

Title V, California Administrative Code.

Section 135.3. Unified School Districts. County committees on school district organization in formulating plans and recommendations for unified school districts shall consider the following standards:

... (e) Boundaries of Proposed Districts. Each study report submitted in support of a certificate of recommendation for district organization by a county committee shall contain assurance that (1) the county committee has considered the present and possible future ethnic composition of the residents of the territory included in the proposed new district and in the territory adjacent to it, and (2) in the judgment of the county committee the proposed new district will not place obstacles in the way of achieving racial integration in the schools.

POSITIVE POLICY OF INTEGRATION

California Attorney General's Opinion

In an opinion on the question, "May a housing authority adopt a positive policy of integration and designate a staff person to implement same in the face of a court mandate which prohibits segregation as set forth in Banks v. Housing Authority, 120 Cal. App. 2d"(1953)?", the California Attorney General concluded:

> A housing authority may adopt and implement a positive policy of integration and designate an employee for this purpose so long as such a policy does not involve the denial of public housing accommodations to anyone solely on the basis of his race.
>
> (43 Ops. Cal. Atty. Gen. 82)
>
> NOTE: By analogy, it is suggested that school districts possess a similar authority.

EMPLOYMENT PRACTICES

Constitution of California, Article XX

Section 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

Governor's Code of Fair Practices

Article V--State Employment Services. All state agencies, including educational institutions, which provide employment referral or placement services to public or private employers shall accept job orders only on a nondiscriminatory basis. They shall refuse to fill any job order designed to exclude any member of a minority group because of race, color, religion, national origin, or ancestry. They shall advise the Fair Employment Practice Commission of employers or unions known to persist in restrictive hiring practices. They shall assist employers and unions seeking to broaden their recruitment programs to include qualified applicants of various racial, religious, or ethnic backgrounds. In addition, the Department of Employment shall fully utilize its knowledge of the labor market, and contacts with job applicants, employers, and unions for promotion of equal employment opportunities.

California Education Code

Section 13274. Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this State for any person or persons charged, by said governing boards, with the responsibility of recommending such persons for employment by said boards to refuse or to fail to do so for reasons of race, color, religious creed, or national origin of said applicants for such employment.

Section 13277. The Legislature hereby declares that it is contrary to the interest of this State and of the people thereof for any governing board or any person or persons charged by the governing board of any school district with the responsibility of interviewing and recommending persons for employment in positions requiring certification qualifications to fail or refuse to do so for reason of the age or marital status of any applicant for such employment, except as otherwise provided in this code.

Section 13732. No questions relating to political or religious opinions or affiliations, race, color, or marital status shall be asked of any applicant, or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

California Labor Code

The California Fair Employment Practice Act (Labor Code, Sections 1410-1432) prohibits discrimination in employment because of race, religious creed, color, national origin, or ancestry. Included are the following provisions:

Section 1412. The opportunity to seek, obtain and hold employment without discrimination because of race, religious creed, color national origin, or ancestry is hereby recognized as and declared to be a civil right.

Section 1420. It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, or ancestry of any person, to refuse to hire or employ him or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For a labor organization, because of the race, religious creed, color, national origin, or ancestry of any person, to exclude, expel or restrict from its membership such person, or to provide only second-class or segregated membership or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any employer or employment agency to print or circulate or cause to be printed or circulated any publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry or any intent to make such any limitation, specification or discrimination.

(d) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this part.

(e) For any person to aide, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

California Attorney General's Opinion

In an opinion on the question of whether the Berkeley Board of Education may include in their school construction contracts clauses prohibiting discrimination in employment similar to those required by the Governor's Code of Fair Practices in State construction contracts such as:

(1) A requirement that the contractor and his subcontractors not practice racial discrimination in employment on the building project;

(2) Contractual penalties for willful violation; and

(3) A provision that a finding by the Fair Employment Practice Commission of a violation of the Fair Employment Practice Act by the contractor shall constitute a finding that the contract has been violated.

The Attorney General concluded: Such contractual clauses do not contravene State law, and their inclusion in school construction contracts is within the authority of a school board.

(42 Ops. Cal. Atty. Gen. 169)

Statement of the Regents of the University of California, May 18, 1962. The Regents of the University of California believe that there is no place in our democracy for discrimination based on race, religion, or national origin.

As a result of this conviction, the University has long opposed discriminatory practices in all University affairs.

As a matter of policy, the Regents declare that the University will continuously support the spirit and purpose of the Fair Employment Practice Act and will render appropriate assistance to the Fair Employment Practice Commission and other governmental agencies in achieving the elimination of discriminatory practices in employment and other fields.

To insure strict adherence to this policy the University has procedures to prevent any discriminatory practice contrary to the rights of prospective, current or former employees.

The Board of Regents makes this policy declaration of its own accord since it is a constitutionally independent body and thus legally exempt from the provisions of the Fair Employment Practice Act.

University of California: Nonacademic Personnel Rules

7.4 Policy of Nondiscrimination. It is the policy of the University to offer applicants the right to equal employment opportunities without regard to race; color; religion; marital status; national origin; citizenship,

except as limited by law; age, within the limits imposed by law and University regulations; and sex, except that positions which, in the opinion of a department and the campus Personnel Office, require the services of members of a particular sex may be reserved for members of that sex.

University of California Policy

...the Bureau of Occupations, which aids in the placement of University of California students, does not accept discriminatory requests, nor does the Teacher Placement Bureau which handles placement of graduates in the field of education. (Statement in letter to Commission on Equal Opportunities in Education from the office of the President of the University, August 21, 1964)

STATE FINANCIAL ASSISTANCE

Governor's Code of Fair Practices

Article XII--State Financial Assistance. Race, color, religion, national origin, or ancestry shall not be considered in State-administered programs involving the distribution of funds to qualified recipients for benefits authorized by law; nor shall State agencies provide grants, loans, or other financial assistance to public agencies, private institutions or organizations which engage in discriminatory practices.

EDUCATIONAL INSTITUTIONS AND SERVICES

Governor's Code of Fair Practices

Article VII--State Education, Counseling, and Training Programs. All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of State agencies, or in which State agencies participate, shall be open to all qualified persons, without regard to race, color, religion, national origin, or ancestry. Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons. Expansion of training opportunities under these programs shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.

Article VIII--Private Educational Institutions. All private educational institutions licensed or chartered by the State, including professional, business, and vocational training schools, shall be required to show compliance with the State policy of nondiscrimination in their student admissions and other practices as a condition of continued participation in any State program or eligibility to receive any form of State assistance.

Article XI--Public Schools. Through its policy declarations and staff services, the State Board of Education shall assist local school districts in eliminating racial imbalances and de facto segregation in the State's public schools. The Board shall also pursue its programs of promoting fair employment practices for certificated teachers and approving textbooks which realistically portray the contributions of minority groups to the history and culture of this State and Nation.

SCHOLARSHIPS

California Education Code

Section 31202. State competitive scholarships shall be awarded without regard to race, religion, creed, or sex.

DEFAMATION

California Education Code

Section 8451. No teacher in giving instruction, nor entertainments permitted in or about any school, shall reflect in any way upon citizens of the United States because of their race, color, or creed.

Section 8452. No textbook, chart, or other means of instruction adopted by the State, county, city, or city and county boards of education for use in the public schools shall contain any matter reflecting upon citizens of the United States because of their race, color, or creed.

USE OF SCHOOL FACILITIES

California Attorney General's Opinion

On the question, "May the State rent or lease State-owned buildings or facilities to groups or organizations which exclude persons from participation because of race, creed, or color, or which for similar reasons deny admission to activities conducted on State property?", the Attorney General concluded in 1947:

> While officers charged with letting State property clearly may not discriminate among tenants on racial or religious grounds, such officers are under no duty to ascertain that all members of the public will be admitted to all functions taking place on the premises. A tenant using the property as a place of public accommodation or amusement is required to observe the civil rights statutes, but no such requirement exists in the case of private or semi-private uses.
>
> (9 Ops. Cal. Atty. Gen. 271)

ATHLETICS AND STUDENT ACTIVITIES

California Education Code

Section 41505. Athletics and Other Intercollegiate Activities. No State college shall enter into intercollegiate activities which will subject its students directly or indirectly to discrimination or segregation on the basis of race, national origin, or religion.

University of California Policies Relating to Students and Student Organizations
(adopted February 9, 1962)

Policy on Nondiscrimination in Athletics. It is the policy of the University of California that athletic events in which teams of athletes representing the several campuses of the University of California will participate shall not be scheduled during the regular season with any educational institution:

(a) Which refuses to allow any athlete representing a campus of the University of California to participate in any athletic event because of the race, religion,or national origin of such athlete;

(b) When such participation would require any athlete representing a campus of the University of California to be housed separately or treated differently from his teammates because of the race, religion, or national origin of such athlete; and

(c) Which cannot give assurances that admission to and seating at an athletic event in which the University of California will participate will not at the site of such event be segregated on a basis of race, religion, or national origin and that at the time of such event selection of its team members from among members of its student body also will not be so segregated.

California Attorney General's Opinion

On the question, "Is it an unconstitutional act of discrimination for a public school district to have a swimming team whose only facilities for practice are at a privately-owned swimming pool, the owners of which refuse admittance to members of the Negro race, thus preventing Negroes from trying out for the school swimming team?", the Attorney General concluded:

A public school district may not constitutionally operate its swimming program on a racially segregated basis.

(34 Ops. Cal. Atty. Gen. 145)

STUDENT ORGANIZATIONS AND STUDENT HOUSING

Board of Trustees, California State College (Comm. on Ed. Pol., June 4, 1964)

Nondiscrimination in Student Housing

RESOLVED, By the Board of Trustees of the California State Colleges, that this Board reaffirms its policy that discrimination on the basis of race, religion, or national origin has no proper place in any service or program offered or conducted by the California State Colleges; and be it further

RESOLVED, That this Board commends and approves the action of the several State Colleges, implementing this statewide policy, in refusing to accept listings of off-campus housing for purposes of lists or files maintained on the campus, where the listing contains restrictions based upon race, religion, or national origin; and be it further

RESOLVED, That a State College maintaining any such list or file shall not accept any listing unless the person in charge of the housing with respect to which the listing sought agrees that he will not discriminate on the basis of race, religion, or national origin in the selection of tenants from persons using the listing, and furnishes the State College with a written statement to this effect in such form and at such times as its president may determine.

California Attorney General's Opinion

On the question, "May a redevelopment agency service the listing of a landlord who will not accept members of minority groups as tenants?", the Attorney General concluded:

> A redevelopment agency may not service the listing of a landlord who will not accept members of minority groups as tenants.
>
> (34 Ops. Cal. Atty. Gen. 1)
>
> NOTE: By analogy, it is suggested that State colleges and other State institutions may not service such listings. In a letter from the office of the President of the University of California to the Commission on Equal Opportunities in Education, dated August 21, 1964, it was stated, "Our Housing Bureau will not accept discriminatory housing listings."

California Education Code

Article 3. Nondiscrimination in Student Organizations

41500. Withholding of Recognition. Subject to the provisions of Section 41502 of this title setting forth an extension of time within which to conform, no State college shall recognize any fraternity, sorority, living group, honor society, or other student organization which

restricts membership on the basis of race, religion, or national origin, or which otherwise has a membership policy requiring discrimination based on race, religion, or national origin.

41501. Definition of Recognition. Recognition as used in this article shall include, but not be limited to, the granting by a State college of any benefit, resource, or privilege whatsoever, or allowing the use of college facilities, to any such student organization described in Section 41500 of this title.

41502. Time Limitation for Conforming. There shall be allowed to such student organizations described in Section 41500 of this title a reasonable time within which to remove discriminatory practices or policies in the selection of their membership. In no event shall such time extend beyond September 1, 1964. Failure of any such student organization to effect such removal of its discriminatory practices or policies within the time specified shall result in the withdrawal and withholding of recognition by a State college.

41503. Filing Requisites. Each student organization shall deposit with the Dean of Students or equivalent officer of the State college by January 1, 1960, copies of all constitutions, charters or other documents relating to their policies with reference to basis for choice of membership. By the same date, the student organizations shall in like manner deliver to said dean or equivalent officer a statement signed by the President or similar officer of the local student organization to the effect that there are no rules or policies which inhibit members from accepting students without discrimination on account of race, religion, or national origin in the selection of new members. Organizations which are bound by discriminatory clauses in national constitutions or other regulations or policies beyond the power of the local student organization to change may delay filing the nondiscrimination statement until such time as said discriminatory clauses in national constitutions and in other national regulations or policies can be eliminated, or the local organizations specifically are exempted by the national organizations from effect of such discriminatory clauses, and in no event later than September 1, 1964. Such statement shall be renewed annually and the other documents required by this section shall be refiled within 90 days after any substantive change or amendment.

41504. Penalties. Should the national governing body of any such organization described in Section 41500 take any action which has the effect of penalizing or disciplining any branch or chapter at a State college in order to enforce a membership policy of discrimination based on race, religion, or national origin, recognition of said organization by any State college shall be immediately withdrawn.

University of California Policies Relating to Students and Student Organizations

University Policy Concerning Nondiscrimination by Student Organizations' and in Approved Student Housing.

The University of California has always had a policy in the administration of its affairs against discrimination based on race, religion, or national origin. This policy has been followed strictly in the admission of students to the University and in the utilization of all of the University's facilities. All groups operating under the administrative control of the Regents, including administration, faculty, student governments, and University-owned residence halls, are governed by this policy of nondiscrimination.

Private groups which surround University campuses and which in various ways provide services to the University or its students are not bound by the University's nondiscrimination policy if they do not receive special privileges from the University and are not subject to its control.

Somewhat different problems are presented by the many organizations composed of University students which are essentially private organizations but which have a special relationship to the University or to student governments. They are entitled to certain privileges such as use of University facilities and are subject to certain University regulations (e.g., rules governing students living in fraternities and sorority houses). Most organizations of this type, including most social fraternities and sororities, honorary societies, and professional societies, have long had as an essential aspect of their operations the freedom of their members to choose the persons who shall be included in their groups. The University recognizes and approves this freedom of essentially private groups to select their own members.

A few groups with such a special relation to the University still are subject, however, often against the wishes of their local members, to external restraints requiring discrimination. In accordance with the traditions of the University, there must be freedom for all such groups to choose members on a basis of individual evaluation unfettered by policies which require discrimination on the grounds alone of race or religion or national origin regardless of the personal merit of the fellow student. Consequently for such groups having a special reciprocal relationship of privileges from any obligations to the University, the University, in accordance with its basic philosophy of nondiscrimination, must insist that the students participate in such organizations be freed from any external restraints requiring said discriminatory practices.

In accordance with the general policies expressed above, the following regulation governing student groups has been approved to apply to all campuses of the University:

1. Discrimination based on race, religion, or national origin is specifically forbidden in the administration of the affairs of student governments and their subsidiary agencies.

2. All other student organizations which have a special relationship to the University or to student governments, as a condition of the continuation of such relationship and, in the case of student living groups, a continuation of approved status indicating compliance with University standards and policies governing student housing, including rules governing the conduct of the residents of such housing, shall have a membership policy which does not require discrimination based on race, religion, or national origin. The members of such organization shall be free to choose their own associates according to their own best judgment, and should not be confined to selection within a system of categories which finds its origin in racial or religious discrimination. Where such groups operate on a basis of selected membership, the students participating in them shall be permitted to choose members free from the restraints of said discriminatory policies imposed by constitutions, agreements, alumni or other nonstudents, or other organization rules. With respect to the few remaining student organizations (including fraternities and sororities) which are bound by discriminatory clauses in national constitutions or other regulations beyond the power of the local organization to change, and in order to proceed with all deliberate speed in the elimination of said discriminatory policies, this regulation shall become effective at the earliest possible date when (1) said discriminatory clauses in national constitutions and in other national regulations can be eliminated; or (2) the local organizations specifically are exempted by the national organizations from the effect of such discriminatory clauses, and in no event later than September 1, 1964.

3. Each organization covered by the policy in Paragraph 2 shall deposit with the Dean of Students or equivalent officer on the relevant campus by January 1, 1960, copies of all constitutions, charters, or other documents relating to their policies with reference to choice of membership. By the same date, they shall also deliver to the same

officer a statement signed by the President or similar officer of the local organization to the effect that there are no rules or policies which inhibit the members from accepting students without discrimination on account of race, religion, or national origin in the selection of members. (Organizations falling within the exception in the last sentence of Paragraph 2 may delay filing the nondiscrimination statement until the governing date under Paragraph 2.) This statement shall be renewed annually on a date set by the President and the other documents required by this paragraph shall be refiled within ninety days after any substantive change or amendment.

4. Nothing contained in this statement of policy shall interfere with the traditional alumni-chapter relationships except as set forth above.

5. Privately-owned housing facilities which are inspected and approved by the University for student housing shall be open to all students without discrimination based on race, religion, or national origin. This paragraph does not apply to student organizations covered by Paragraph 2.

6. Violation of the policy set forth in Paragraph 2 shall result in a termination of the special relationship to the University or to student governments, and in the case of student living groups, a withdrawal of approved status indicating compliance with University standards and policies governing student housing, including rules governing the conduct of the residents of such housing. Violation of the policy set forth in Paragraph 5 shall result in the removal of the housing facility involved from the approved list.

(Revised September 1, 1961)

Statement of the President on Nondiscrimination by Student Organizations and in Approved Student Housing. The University is approaching an important deadline in its relations with certain student organizations. The date is September 1, 1964. The organizations are those fraternities and sororities still subject to national requirements that they exclude certain groups in the selection of their members. The policy statement printed above was first adopted by The Regents in July, 1959. This policy will not be changed. Several questions have been asked about it, however, and the comments that follow seek to be responsive to these questions.

1. The policy states that student organizations must be free to selectitheir own members. It follows that there will be no "quota system."

2. If the local chapter wishes, affidavits may carry the signature of a national officer or other representative in addition to that of the chapter president. All relevant documents will make it clear that the traditional relationships of the chapter with alumni and with the national organization remain unchanged, so long as these relationships do not require the chapter to select members on the basis of race, religion, or national origin. Alumni advisory boards and letters of recommendation may be continued, but may not be used to support a policy of discrimination as outlined above.

3. Statements in constitutions and other documents requiring belief in God or in general moral principles of faith are not considered to violate The Regents' policy.

4. A change in status of a chapter on another campus of the University or at another institution because of the violation of rules and policies need not effect the status of a chapter of the same organization on a given campus of the University.

5. The Chief Campus Officer is responsible for handling alleged violations of this policy.

The University values highly the contributions that fraternities and sororities make to campus life and to the lives of their members. The University values even more highly, however, the ideal of full equality of opportunity, of which The Regents' policy is one expression. By conforming fully with the policy, the fraternities and sororities will remain important members of the University community.

(April 15, 1963)

Policy on Nondiscrimination in Athletics. It is the policy of the University of California that athletic events in which teams of athletes representing the several campuses of the University of California will participate shall not be scheduled during the regular season with any educational institution:

(a) Which refuses to allow any athlete representing a campus of the University of California to participate in any athletic event because of the race, religion, or national origin of such athlete;

(b) When such participation would require any athlete representing a campus of the University of California to be housed separately or treated differently from his teammates because of the race, religion, or national origin of such athlete; and

(c) Which cannot give assurances that admission to and seating at an athletic event in which the University of California will participate will not at the site of such event be segregated on a basis of race, religion, or national origin and that at the time of such event selection of its team members from among members of its student body also will not be so segregated.

(February 9, 1962)

RECOGNITION OF FRATERNITIES AND SORORITIES

California Attorney General's Opinion

On the question, "Is it violative of the Fourteenth Amendment to the United States Constitution or contrary to the public policy of the State of California for the University of California or other State-owned educational institutions to grant official recognition to social and professional fraternities and sororities which restrict their membership on the basis of race, color, religion, or national origin?", the Attorney General concluded:

The types of relationships which are possible or exist between fraternities and sororities on one hand and the State universities and colleges in California on the other are almost unlimited in number. Certain relationships which are possible or exist between the State schools of higher education and the fraternities or sororities which restrict their membership on the basis of race would clearly be unconstitutional under the United States Constitution and also would be against the public policy of the State of California. On the other hand, other possible or existing relationships between State universities and colleges and fraternities and sororities restricting membership on the basis of race, religion, color, or national origin would be constitutional. The conclusions and analysis of this opinion do not affect the right of lodges, churches, and other private organizations unconnected with the State to restrict their memberships on the basis of race and religion.

(32 Ops. Cal. Atty. Gen. 264)